

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>VICTOR HERNANDEZ,</b>	)	<b>CASE NO. 4:09CV3022</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>ROBERT HOUSTON,</b>	)	
	)	
<b>Respondent.</b>	)	

This matter is before the court on Petitioner Victor Hernandez's ("Hernandez") Motion to Alter or Amend Judgment, which the court liberally construes as a Motion for Reconsideration. (Filing No. [31](#).) In his Motion, Hernandez requests that the court reconsider its April 14, 2010, Memorandum and Order and Judgment which dismissed the Petition with prejudice. (Filing Nos. [29](#) and [30](#).) Summarized, Hernandez re-argues the merits of his claims and requests that the court reverse its determinations regarding procedural default and "plain error." (Filing No. [31](#).) The court has carefully reviewed Petitioner's Motion, including the Brief filed in support of the Motion. The court finds no good cause for reconsideration of any portion of its April 14, 2010, Memorandum and Order and Judgment.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion to Alter or Amend Judgment (Filing No. [31](#)) is denied; and
2. Petitioner's Motion for Extension of Time to File Notice of Appeal (Filing No. [33](#)) is denied as moot. In accordance with [Federal Rule of Appellate](#)

Procedure 4, any notice of appeal shall be filed 30 days from the date of this Memorandum and Order.

DATED this 18<sup>th</sup> day of June, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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